

ORDINANCE NO. 284

AN ORDINANCE REPEALING ORDINANCES NO. 277 AND 277-A, AND AMENDING ORDINANCE NO. 262 REGULATING THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES IN THE CITY OF MAGEE, MISSISSIPPI.

BE IT ORDAINED by the Mayor and Board of Aldermen of the City of Magee, Mississippi as follows:

Section 1. That the Mayor and Board of Aldermen of the City of Magee, Mississippi find and adjudicate that Ordinance No.262, which amends Ordinance No. 229, of the City of Magee, Mississippi should be altered and amended to better serve the citizens of Magee, Mississippi.

Section 2. That Ordinance No.262 of the City of Magee, Mississippi should be, and hereby is, altered and amended as follows:

A. Section 4 (c) shall be amended to read as follows:

To permit consumption of alcoholic beverages on the premises of any business establishment that sells said alcoholic beverages; except for those restaurants described in Section 3-A.

B. That Section 3-A shall be amended as follows:

Section 3-A Restaurants

- (a) Any restaurant located in an area of the City that is zoned C-3 or DPD (Downtown Preservation District) shall be permitted to sell, dispense, or give away alcoholic beverages that meet the Mississippi state legal requirements, or less, between the hours of 7:00 A.M. to 12:00 A.M.
- (b) No restaurant may serve or allow alcoholic beverages outside an enclosed structure or outside of a fenced-in patio area, which contains seating adjoining the restaurant. No person shall be permitted to leave the restaurant or patio area with any alcoholic beverage.

(c) For purposes of this Ordinance, a restaurant is a place of business which is regularly and in a bona fide manner used and kept open for the serving of meals to guests for compensation, which has suitable seating facilities for guests, and which has suitable kitchen facilities connected therewith for cooking food and meals; the service of food such as sandwiches, salads, and snack food shall not be deemed to be in compliance with this requirement. No place of business shall qualify as a restaurant unless sixty percent (60%) or more of the revenue derived from such place of business shall be from the preparation, cooking, and serving of food and meals, and not from the sale of alcoholic beverages. Any restaurant may be required to provide proof of said 60% food sales to City officials on a regular basis, but not more than once every 90 days.

Section 3. That the Mayor and Board of Aldermen find and adjudicate that the altering and amending of the said Ordinance 262 would be in the best interest of the City of Magee, Mississippi, and the citizens thereof.

Section 4. That Ordinances No. 277 and No. 277-A should be, and hereby are, repealed.

Section 5. That the City Clerk shall cause this Ordinance to be published at least one (1) time in the Magee Courier, a newspaper authorized by law to publish legal notices in the City of Magee, Mississippi.

Section 6. The Ordinance shall take effect and be in force as provided by law.

THE ABOVE AND FOREGOING ORDINANCE was first reduced to writing and read, considered and approved, section by section, and approved as a whole and in its entirety at the regular public meeting of the Mayor and Board of Aldermen held on this the 7th day of September, 2021, at the City Hall in the City of Magee, Mississippi, the regular meeting place of the Mayor and Board of Aldermen of said City, and the vote on its final passage was taken by "yeas" and "nays".

A motion to adopt the foregoing Ordinance was made by Alderman Steele and said motion was duly seconded by Alderman Honea. Whereupon, the motion was put before the Board of Aldermen by Mayor Dale Berry, and upon roll call, voted as follows:

	YEA	NAY
Sue Honea	<u> X </u>	_____
Mark Grubbs	<u> X </u>	_____

Matthew Hickman	_____	_____	Absent
Patrick Brown	<u> X </u>	_____	
Lane Steele	<u> X </u>	_____	

The Ordinance having received the affirmative vote of a majority of the members of the Board of Aldermen of the City of Magee, Mississippi, Mayor Dale Berry declared said Ordinance to have been fully adopted and to be in full force and effect according to its provisions, upon legal publication thereof.

SO ORDERED, this the 7th day of September , 2021.


DALE BERRY, MAYOR

ATTEST:

JON STYRON
CITY CLERK